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August 26, 2022

VIA ECF

Hon. J. Paul Oetken
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, New York 10007

Re: Flores et al v. Quesadillas Dona Maty Corp. et al
Index No. 1:21-cv-07947-JPO

Your Honor:

This office represents Plaintiff in the above-referenced action. I write pursuant to Fed. R. Civ. P. 37(b)(2)(A)(vi) to respectfully request that the Court note the Default of Defendants Quesadillas Dona Maty Corp. d/b/a Quesadilla Dona Maty and Matilde Herrera and that the Clerk of the Court issue Certificates of Default for such Defendants due to Defendants' failure to comply with Your Honor's July 18, 2022 Order. Subsequently, Plaintiff also respectfully requests that the Court issue an order setting forth a schedule for a default judgement motion.

On July 1, 2022 the undersigned counsel detailed Defendants' failure to timely respond to Plaintiff's discovery requests and requested an order compelling Defendants to complete discovery. (ECF No. 27). On July 18, 2022, Your Honor granted Plaintiff's motion and ordered Defendants to respond to Plaintiff's discovery demands and to produce any documents by August 22, 2022. (ECF No. 28). Despite several attempts to contact Defense counsel and Your Honor's Order, Defendants have failed to comply with Your Honor's Order and respond to Plaintiff's discovery demands.

On July 18, 2022, Plaintiff's counsel forwarded Your Honor's Order instructing Defendants to respond to Plaintiff's discovery demands by August 22, 2022. The undersigned counsel expressed a desire to resolve the dispute amicably and suggested resuming settlement discussions. Defense counsel, however, did not respond.

On August 2, 2022, Plaintiff's Counsel emailed defense counsel inquiring about the status of Defendants' responses to Plaintiff's discovery demands and whether he planned to comply with Your Honor's July 18, 2022 Order. Plaintiff's counsel reiterated a desire to resolve the matter amicably but warned Defense counsel of further motion practice if necessary. Defense counsel did not respond.

On August 12, 2022, Plaintiff's counsel emailed Defense counsel inquiring about the status of Defendants' discovery responses and reminded Defense counsel about Your Honor's August 22, 2022 deadline. Plaintiff's counsel, again, warned Defense counsel that this office planned to engage in further motion practice if Defendants failed to cooperate. To date, Plaintiff's counsel has not heard back from Defense counsel or received responses to Plaintiff's discovery demands.

In light of the foregoing, Plaintiff respectfully requests the Court note the Default of Defendants, that the Clerk of the Court issue Certificates of Default, and that the Court issue an order setting forth a schedule for a default judgement motion.

Plaintiff thanks the Court for its time and attention to this matter.

Respectfully Submitted,

/s/ Ramsha Ansari
Ramsha Ansari, Esq.